

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

April 30, 2002

IN RE:

**PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC.
TO CONVENE A CONTESTED CASE
TO ESTABLISH "PERMANENT
PRICES" FOR INTERCONNECTION
AND UNBUNDLED NETWORK
ELEMENTS**

**DOCKET NO.
97-01262**

ORDER APPROVING TARIFF NO. 01-00953

This matter came before the Tennessee Regulatory Authority ("Authority") at a regularly scheduled Authority Conference held on November 20, 2001 for consideration of Tariff No. 01-00953 filed by BellSouth Telecommunications, Inc. ("BellSouth") on October 24, 2001.

The first tariff filed in Docket No. 97-01262 was Tariff No. 01-00205 filed by BellSouth on March 2, 2001. AT&T Communications of the South Central States, Inc. and the Southeastern Competitive Carriers Association filed comments on Tariff No. 01-00205 on March 16, 2001, and BellSouth filed its response on April 16, 2001.

The Authority considered Tariff No. 01-00205 and the comments thereto at a regularly scheduled Authority Conference on June 12, 2001. During the deliberations, the Authority generally found that "[c]ertain provisions in the Tariff are inconsistent with past decisions of the Authority in Docket No. 97-01262 and in other arbitration proceedings, generic dockets, and

enforcement proceedings.”¹ More specifically, the Authority held that Tariff No. 01-00205: 1) omits non-recurring rates for new combinations;² 2) omits UNE rates for Operator Services and Directory Assistance; 3) omits rates for interim number portability; and 4) contains language that is inconsistent with the Authority’s ruling in Docket No. 97-01262 on access to loops served by Integrated Digital Loop Carrier (“IDLC”).³ Based on these findings, the Authority voted unanimously to deny Tariff No. 01-00205 and ordered BellSouth to file a revised tariff by June 26, 2001. The Authority instructed BellSouth as follows:

[T]he revised tariff shall be consistent with decisions in Docket No. 97-01262 and, if BellSouth chooses to include terms and conditions for subjects not addressed in Docket No. 97-01262, such as reciprocal compensation, then such terms and conditions shall be consistent with all decisions of the Authority in other arbitration proceedings, generic dockets and enforcement proceedings. Specifically, the Authority directed that the revised tariff shall include non-recurring rates for new combinations pursuant to the March 6, 2001 Erratum; rates for Operator Services, Directory Assistance, and interim number portability found in the December 1, 1999 cost study; and terms and conditions consistent with the Authority’s decisions on access to Integrated Digital Loop Carrier.⁴

On June 21, 2001, BellSouth filed a *Motion of BellSouth Telecommunications, Inc. to Modify Tariff Revision Requirement Consistent with FCC Order* (“Motion”). BellSouth claimed that the Authority’s previous rulings in regard to the application of reciprocal compensation to traffic bound for an Internet Service Provider are inconsistent with the FCC’s April 27, 2001 *Order on Remand and Report and Order*.⁵ Thus, BellSouth contended that the Authority should

¹ *Order Denying Tariff No. 01-00205 and Opening Docket No. 01-00526*, p. 5 (Feb. 23, 2001).

² New combinations are combinations of unbundled network elements that are not presently combined, but that are of a type of combination that is combined somewhere in BellSouth’s network.

³ See *Order Denying Tariff No. 01-00205 and Opening Docket No. 01-00526*, pp. 5-6, (Feb. 23, 2001).

⁴ *Id.* at 7.

⁵ *Motion of BellSouth Telecommunications, Inc. to Modify Tariff Revision Requirement Consistent With FCC Order*, p. 2 (Jun. 21, 2001) (citing *In re: Implementation of the Local Competition Provision in the Telecommunications Act of 1996*, FCC 01-131, CC Docket No. 96-98, 16 FCC Rcd. 9151 (Apr. 27, 2001) (Order on Remand and Report and Order)).

not require it to file a tariff consistent with previous Authority decisions on reciprocal compensation.

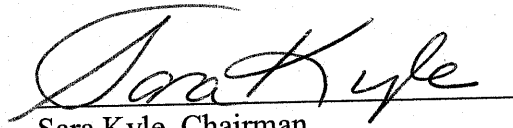
BellSouth filed Tariff No. 01-00646 on June 26, 2001 and additional intercarrier compensation language on July 10, 2001. The Authority considered the Motion and Tariff No. 01-00646 at a regularly scheduled Authority Conference on September 25, 2001. The Authority found that it had not required BellSouth to include terms and conditions for reciprocal compensation in its proposed tariff and that Tariff No. 01-00646 contained provisions that are inconsistent with previous Authority decisions. Thereafter, the Authority set forth specific modifications related to the relationship between the Tariff and interconnection agreements, the definition of "currently combines," the provision of Enhanced Extended Links; access to loops served by Integrated Digital Loop Carrier; recurring and nonrecurring rates for combinations; and criminal background checks and security training. Thereafter, the Directors unanimously voted to deny the Motion and Tariff No. 01-00646 and ordered BellSouth to file a revised tariff no later than October 25, 2001.⁶

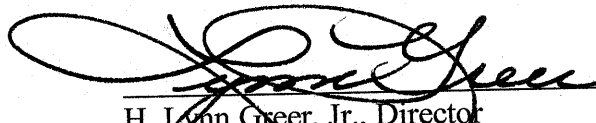
BellSouth filed Tariff No. 01-00953, the subject of this Order, on October 24, 2001. The Tariff stated that it would be effective upon notification by the Authority. The Authority considered the Tariff at a regularly scheduled Authority Conference on November 20, 2001. Upon review of the Tariff, the record in this matter, and previous Authority rulings, the Directors voted unanimously to approve Tariff No. 01-00953.

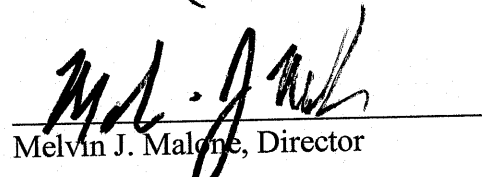
⁶ See Transcript of Proceedings, Sept. 25, 2001, pp. 10-18 (Authority Conference).

IT IS THEREFORE ORDERED THAT:


Tariff No. 01-00953 filed by BellSouth Telecommunications, Inc. on October 24, 2001 is approved and deemed effective as of November 20, 2001.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary